

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PETER CLARK,

No. C 12-3559 RS

Plaintiff,

v.

ORDER TO SHOW CAUSE

CHARLES BOYLE, et al.,

Defendants

Plaintiff Peter Clark, appearing *in pro per*, filed this action in July of 2012. Pursuant to 28 U.S.C. §1915, Clark's *in forma pauperis* application was granted, and the original complaint dismissed, with leave to amend, for reasons set out in an order entered on January 17, 2013. Thereafter, Clark requested and was granted several extensions of time to file an amended complaint. Clark represented that additional time was warranted both because of pending developments in a purportedly related arbitration proceeding and/or bankruptcy matter, and because he was diligently seeking counsel to represent him here.

In October of 2013, Clark finally filed an amended complaint, still without the benefit of representation by counsel. Although the adequacy of that complaint has not yet been conclusively determined under a 28 U.S.C. §1915 review, it plainly does not address all of the defects identified in the prior dismissal order. Simultaneously with the filing of the amended complaint, Clark filed

1 an amended case management conference statement in which he expressly requested additional time
2 to obtain representation and to allow for resolution of certain issues in the arbitration and/or
3 bankruptcy proceedings. The case management conference was therefore continued to February
4 20, 2014, and further evaluation of the adequacy of the amended complaint was deferred.

5 In the more than four months that have followed, Clark has not obtained counsel or provided
6 any further information, and it appears he may have abandoned this action. Accordingly, the case
7 management conference set for February 20, 2014 is vacated. No later than February 27, 2014,
8 Clark shall file a declaration, not to exceed 15 pages, showing cause, if any, why this action should
9 not be dismissed without prejudice for failure to prosecute. If no filing is made, the action will be
10 dismissed without further notice.

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13 IT IS SO ORDERED.

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15 Dated: 2/18/14

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RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE